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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 ALVIN DAMPIER,

11 Plaintiff,

12 v.

13 SEATTLE POLICE DEPARTMENT, et
14 al.

15 Defendants.

CASE NO. C06-325 MJP

ORDER DENYING MOTION TO
REOPEN

16 The Court is in receipt of Plaintiff's letter, (Dkt. No. 14), which the Court construes as a
17 Motion to Reopen. Having reviewed the motion and the related record, the Court hereby
18 DENIES Plaintiff's Motion.

19 **Discussion**

20 On June 30, 2006, the Court entered an Order adopting Judge Theiler's Report and
21 Recommendation and dismissing Plaintiff's case. (Dkt. No. 12.) The Court entered judgment in
22 this matter on July 5, 2006. (Dkt. No. 13.) Plaintiff did not file objections to Judge Theiler's
23 Report and Recommendation.
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1 Plaintiff filed the present Motion with the Court on November 19, 2015. (Dkt. No. 14.)
2 In the Motion, Plaintiff represents that he did not have the opportunity to respond to the Court's
3 orders because he was being transferred back and forth between different facilities. (Id.)

4 Federal Rule of Civil Procedure 60 allows a party to move for relief from a final
5 judgment, order or proceeding for several reasons, including "mistake, inadvertence, surprise, or
6 excusable neglect." Fed. R. Civ. P. 60(b)(1). Plaintiff's Motion is properly considered under
7 this subsection of Rule 60. However, a motion under this subsection must be brought "no more
8 than a year after the entry of the judgment or order or date of the proceeding." Id. Here, Plaintiff
9 waited more than nine years after the Court dismissed his case to bring this Motion. Therefore,
10 Plaintiff's Motion is untimely, and the Court cannot reopen Plaintiff's case.

11 **Conclusion**

12 Because the Motion is untimely, the Court DENIES Plaintiff's Motion to Reopen his
13 case. (Dkt. No. 14.) The clerk is directed to provide copies of this Order and of the Order of
14 Dismissal and Judgment (Dkt. Nos. 12, 13), to Plaintiff.

15 Dated this 15th day of December, 2015.

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18 Marsha J. Pechman
19 United States District Judge
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